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UNCLAS ZAGREB 001741

SIPDIS

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SUBJECT: CROATIA STRUGGLES TO DECOUPLE FISHING ZONE AND MARITIME BOUNDARY

REF: (A) ZAGREB 1077 (B) ZAGREB 1737

SUMMARY AND COMMENT

1. (SBU) Croatia's Fishing and Environmental Protection Zone (FEPZ) will enter into force in the Adriatic Sea on October 3. It will not apply to EU member states, thanks to a political concession Croatia made in the run-up to a decision on its EU candidate status in June (ref A). Despite GoC efforts to decouple the FEPZ from the long-running maritime boundary dispute with Slovenia, the October 3 start date -- coincidentally also the date of Slovenian Parliamentary elections -- comes just as renewed tensions on the maritime boundary had begun to settle (ref B).

2. (SBU) The FEPZ foreshadows how Adriatic fishing rights will be shared once Croatia joins the EU, as EU member states enjoy access to each other's fishing zones within negotiated quota limits, but neither the FEPZ nor EU accession will help solve the maritime boundary problem. Unfortunately, the clear legal distinction between the FEPZ and the maritime boundary is lost on most reporters and more than a few politicians, making it likely that FEPZ enforcement could refuel anxieties on the maritime boundary just as cooler heads have begun to prevail. END SUMMARY AND COMMENT.

FISHING ZONE TAKES EFFECT... BUT NOT FOR EU MEMBERS

3. (SBU) Croatia's Fishing and Environmental Protection Zone (FEPZ), which enters into force October 3, 2004, will not apply to EU-flagged vessels pending conclusion of a fisheries partnership agreement between Croatia and the EU. Under the FEPZ regime, Croatia will have authority only to interdict non-EU flag vessels fishing in the zone, which according to our MFA contacts includes a small number of mostly Korean and Japanese-flagged vessels. Italian vessels, the primary cause of over-fishing, will not be affected by the FEPZ.

4. (SBU) However, Croatia currently has neither immediate plans nor capacity to enforce the FEPZ. Commenting on recent press reports that Croatia's nascent coast guard will ensure enforcement starting on October 3, MFA's Head of Department for EU Politics told Embassies September 30 that the FEPZ would not be enforced for "some months" after its official start date. A special office of the PM will be created to oversee enforcement and must first establish clear rules of conduct before interdictions can begin. The FEPZ would in no way affect innocent passage or the safe passage of military vessels. The MFA legal department informed Embassies the FEPZ was fully compliant with Croatia's treaty obligations under the UN Convention on the Law of the Sea.

5. (U) Croatia and Slovenia agreed in 1996 to allow limited fishing rights in each other's territorial waters without fear of interdiction. In 2002, both Ministers of Interior agreed to a temporary but renewable suspension of interdiction of each other's flagged vessels provided police were notified in advance. According to the MFA legal department, the GoS informed Croatia in early 2004 that it would not be able to renew this non-interdiction agreement after EU accession, as fisheries is an exclusive EU competence.

6. (SBU) Since May 2004, local press has routinely reported on Slovenian police interdiction of Croatian-flagged vessels and police escorts for Croatian fishing vessels operating near the GoC-proposed maritime boundary, irking both sides but doing little to explain how fishing rights actually work. The MFA and Ministry of Interior are in close contact over each interdiction; MFA maintains a map showing logged incidents of Slovenian vessels in what are claimed to be Croatian territorial waters -- incidents effectively following the territo